

This proposal was filed with the Office of Administrative Law which may have edited it before publishing it in the New Jersey Register. Please refer to the February 4, 2002 New Jersey Register (34 N.J.R. 695(a) for the official text of the proposal.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated brackets [**thus**):

## SUBCHAPTER 21. EMISSION STATEMENTS

### 7:27-21.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

**“Activity rate/throughput” means a measurable factor or parameter that relates directly or indirectly to the emissions of a source operation or a facility during a given time period (for example, hour, day, or year). Depending on the type of source operation(s) or facility being considered, this term may refer to the amount of fuel combusted, raw material processed, product manufactured, or material handled or processed during the time period. It is typically the value that is multiplied against an emission factor to generate an emissions estimate for the time period.**

...

**“Ammonia” or “NH<sub>3</sub>,” means a colorless, pungent gas at standard conditions, having a molecular composition of one nitrogen atom and three hydrogen atoms.**

**“AP-42” means [most recently published edition and any subsequent] the January 1995, 5th edition, of the manual entitled "Compilation of Air Pollutant Emission Factors," which is published by the EPA, and including supplements A, B, C, D, E, F, and G and any subsequent revisions. This document may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia, 22161, (703) 487-4650; or from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, (202) 783-3228. In addition, this document can be accessed electronically through the EPA Technology Transfer Network CHIEF site on the worldwide web at <http://www.epa.gov/ttn/chief/ap42.html>.**

...

**“Carbon dioxide” or “CO<sub>2</sub>,” means a colorless, odorless, tasteless gas at standard conditions, having a molecular composition of one carbon atom and two oxygen atoms.**

**“Carbon monoxide” or “CO” means [an air contaminant which is] a colorless, odorless, tasteless gas at standard conditions, having a molecular composition of one carbon atom and one oxygen atom.**

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...

["Department" means the New Jersey Department of Environmental Protection.]

"Delivery vessel" means any [any mobile storage tank including, but not limited to, a marine vessel, tank truck or railroad tank car.] **vehicle designed and constructed or converted to be capable of transporting liquid VOC cargo such as gasoline or fuel oil. This term includes, but is not limited to, tank trucks, tank trailers, railroad tank cars, and marine tank vessels.**

**"Department" means the New Jersey Department of Environmental Protection.**

"Distillates of air" means the following chemical species: helium (He), nitrogen (N<sub>2</sub>), oxygen (O<sub>2</sub>), neon (Ne), argon (Ar), krypton (Kr), **and** xenon (Xe)[, and carbon dioxide (CO<sub>2</sub>)].

**"Emission Inventory Improvement Program" or "EIIP" is a program developed by local and State air pollution control officers and the EPA to improve the accuracy and quality of the emissions data reported by facilities to the states used for emission inventory development for submittal to the Federal government pursuant to 40 CFR Part 51. This plan includes a multi-volume reference of emission estimation methods that can be electronically accessed at the EPA Chief website at <http://www.epa.gov/ttn/chief> which provides the most current, accurate emission estimation calculation methods for determining actual emissions of all air contaminants from all types of source operations.**

**"Emission point" means a stack, chimney, door, window, vent, or any other opening where air contaminants are emitted to the atmosphere.**

**"Emission Statement Guidance Document" refers to the 1999 Emission Guidance Document and any addendum or subsequent revision, published at the Department's website at <http://www.state.nj.us/dep/aqm/es/emission.html>. This publication is updated annually to incorporate the Department's latest guidance regarding Emission Statement policies, reporting procedures and format. This information is provided in order to assist the owner or operator of a facility subject to this subchapter with the process of completing, certifying and submitting an Emission Statement.**

["Emissions information" means, with reference to any source operation, equipment, or control apparatus:

1. Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any

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air contaminant which has been emitted by the source operation, equipment or control apparatus;

2. Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and
3. A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

The following list includes specific data fields which the Department considers to constitute emissions information. This list is not exhaustive and, therefore, other data might be found, in a proper case, to constitute emissions information:

#### **Facility Identification**

Plant name and related point identifiers

Address

City

County

AQCR (Air Quality Control Region)

MSA, PMSA, CMSA (Metropolitan Statistical Areas)

State

Zip Code

Ownership and point of contact information

Locational Identifiers:

Latitude & Longitude or UTM Coordinates

SIC Code (Standard Industrial Classification)

Emission point, device or operation description, information

SCC Code (Source Classification Codes)

#### **Emissions Parameters**

Emission type (for example, nature of emissions such as CO, particulate or a specific toxic compound, and origin of emissions such as process vents, storage tanks or equipment leaks)

Emission rate (for example, the amount released to the atmosphere over time such as pounds per hour or tons per year)

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Release height (for example, height above ground level where the air contaminant is emitted to the atmosphere)

Description of terrain and surrounding structures (for example, the size of the area, with adjacent structures and terrain descriptions such as mountainous, urban, or rural)

Stack or vent diameter at point of emissions (for example, the inside diameter of vent at the point of emission to the atmosphere)

Release velocity

Release temperature

Frequency of release (for example, how often a release occurs in events per year)

Duration of release (for example, the time associated with a release to the atmosphere)

Concentration (for example, the amount of an emission stream constituent relative to other stream constituents, expressed as parts per million (ppm), volume percent, or weight percent)

Density of the emissions stream or average molecular weight (for example, density expressed as fraction or multiple of the density of air; molecular weight)

Boiler or process design capacity (for example, the hourly gross heating value of fuel input to a boiler at its maximum design rate or maximum pounds per hour product rate)

Emission estimation method (for example, the method by which an emission estimate has been calculated such as material balance, stack test, use of AP-42 emission factors, etc.)

Percent space heat (for example, the percent of fuel used for space heating)

Hourly maximum design rate (for example, the greatest operating rate that would be expected for a source in a one hour period)

Control apparatus information (for example, type of primary and secondary control apparatus, capture efficiency, and control efficiency)]

...

“Facility” means the combination of all structures, buildings, equipment, **control apparatus**, storage tanks, source operations, and other operations located **on a single site or on [one or more] contiguous or adjacent [properties owned or operated by] sites and that are under common control of** the same person **or persons**.

...

“Fugitive emissions” means any air contaminant **emissions** released directly or indirectly into the **outdoor** atmosphere which [do not] **can not reasonably** pass through a stack or chimney.

...

**“Insignificant source operation” means a source operation that is not a “significant source operation” as defined in this section.**

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**“Maximum design capacity” means, in reference to a source operation, its maximum capability, per period of time, to operate, to consume a process input or to generate a product. This term may be expressed in units such as the maximum number of kilowatt-hours of electricity that a combustion unit is capable of producing per hour or the maximum amount of a raw material that may be processed per day.**

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**“Methane” or “CH<sub>4</sub>” means a colorless, odorless, flammable gas at standard conditions, having a molecular composition of one carbon atom and four hydrogen atoms.**

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**“NAICS code” means the North American Industrial Classification System code, assigned by the United States Office of Management and Budget, which classifies establishments according to the type of economic activity in which they are engaged. A NAICS manual is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.**

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**“Operating certificate” or “certificate” means a “Certificate to Operate Control Apparatus or Equipment” issued by the Department pursuant to [the Air Pollution Control Act] N.J.S.A. 26:2C-1 et seq., and in particular N.J.S.A. 26:2C-9.2, [which is valid for a period of five years from the date of issuance, unless sooner revoked by the Department] and the implementing rules at N.J.A.C. 7:27-8.**

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**“Operating time” means, for a control apparatus that serves a source operation, the amount of time that the control apparatus is in use.**

...

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**“Ozone season” means the portion of each year beginning May 1 and ending September 30.**

...

**“Person” means [any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof] an individual, public or private corporation, company, partnership, firm, association, society, joint stock company, international entity, institution, county, municipality, state, interstate body, the United States of America, or any agency, board, commission, employee, agent,**

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**officer, or political subdivision of a state, an interstate body, or the United States of America.**

**“PM<sub>2.5</sub>” means a class of air contaminants which includes all particulate matter having an aerodynamic diameter less than or equal to a nominal 2.5 microns.**

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[“PM-10”] **“PM<sub>10</sub>” means a class of air contaminants which includes all particulate matter having an aerodynamic diameter less than or equal to a nominal 10 [micrometers] microns.**

...

[“Process level” means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

“Process rate” means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.]

...

**“Reasonably available” means, with respect to a method of quantification, utilizing data or information that is already in the possession of a person at the time of reporting or which can be obtained by such person through public sources. For example, a quantification method utilizing emission factors set forth in an AP-42 document is a reasonably available method.**

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**“Reporting year” means the calendar year during which emissions reported in an Emission Statement were emitted , except that carbon monoxide emissions emitted in December of the preceding calendar year shall also be reported as part of the peak carbon monoxide season emissions in a given year.**

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[“Responsible official” means one of the following:

1. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

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- i. If the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - ii. The delegation of authority to such representative is approved in advance the Assistant Director for Air and Environmental Quality Enforcement, Division of Facility-wide Enforcement, Department of Environmental Protection;
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
3. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unity of the agency (for example, a Regional Administrator of EPA); or
4. For affected sources under Title IV of the Clean Air Act:
5. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; and designated representative for any other purposes under 40 CFR part 70]  
**“Responsible official” has the same meaning as defined for this term at N.J.A.C. 7:27-1.4.**

“SCC code” means the [eight-position] **eight digit** Source Classification Code **published by EPA** that provides a detailed [analysis] **specification** of a process. See EPA document “AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants” EPA 450/4-90-003, which may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia, 22161, (703) 487-4650 or the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, (202) 783-3228.

[“Seasonal throughput” means the percent of the total yearly operating activity which occurs during each of the following periods:

1. December 1 through February 28/29 (for example, December 1, 1992, through February 28/29, 1993);
2. March 1 through May 31;
3. June 1 through August 31; and

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4. September 1 through November 30] **“Seasonal throughput” means the activity rate/throughput for any specific season, such as the peak carbon monoxide season, the ozone season, or the peak ozone season.**

[“SIC code” means the Standard Industrial Classification code devised by the United States Office of Management and Budget to classify establishments according to the type of economic activity in which they are engaged.]

**“Significant source operation” has, one of the following meanings:**

1. **In respect to a source operation at a facility which is subject to the operating permit requirements of N.J.A.C. 7:27-22, this term- has the meaning defined for the same term at N.J.A.C. 7:27-22.1;**
2. **Otherwise, this term has the meaning defined for the same term at N.J.A.C. 7:27-8.1, except that for the purposes of this subchapter, no source operation shall be excluded from being classified as a significant source operation solely because it is a grandfathered source. That is, even though for the purposes of N.J.A.C. 7:27-8, a source operation would be excluded from being classified as a significant source operation if it meets the following three criteria, it is not so excluded for the purposes of this subchapter:**
  - i. **The source operation was in operation prior to the date that source operations of its kind were subject to permit requirements under N.J.A.C. 7:27-8;**
  - ii. **The source operation has not been reconstructed or modified since that date referenced in 2i above; and**
  - iii. **The source operation is still operable.**

**“Source emission testing” means the testing of a discharge of any air contaminant from a source operation through any stack or chimney.**

“Source operation” means any process, or any identifiable part thereof [emitting or having the potential], **that emits or can reasonably be anticipated** to emit any air contaminant **either directly or indirectly** into the outdoor atmosphere. **A source operation may include one or more pieces of equipment or control apparatus.**

...



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**“State implementation plan (SIC)” means a plan for the attainment of any NAAQS, prepared by a state and approved by the EPA pursuant to 42 U.S.C. § 7410.**

**“State Plane Coordinates” means a geographic reference system in the horizontal plane, which has been developed and is maintained by the Department, describing the position of points or features with respect to other points in New Jersey. Information about this system may be obtained from the Department’s website at: <http://www.state.nj.us/dep/GIS>; from the Department’s Bureau of Geographical Information and Analysis by e-mail at: [gisnet@gis.dep.state.nj.us](mailto:gisnet@gis.dep.state.nj.us).**

**“Subject to operating permit requirements” means, with respect to a facility, that the owner or operator of the facility:**

- 1. Is required to obtain an operating permit for the facility pursuant to N.J.A.C. 7:27-22; or**
- 2. Has voluntarily applied for an operating permit for the facility and an operating permit has been issued by the Department for the facility.**

“Sulfur dioxide[,]” or “SO<sub>2</sub>[,]” means [an air contaminant which is] a colorless gas at standard conditions, having a molecular composition of one sulfur atom and two oxygen atoms.

**“Submittal year” means the calendar year in which an Emission Statement is required to be submitted. This term may be contrasted with the term “reporting year,” defined above, which is the temporal period during which the emissions that are reported in an Emission Statement are emitted.**

[“Temporary operating certificate” means a "Certificate to Operate Control Apparatus or Equipment" issued by the Department pursuant to the Air Pollution Control Act, and in particular N.J.A.C. 26:2C-9.2, which is valid for a period not to exceed 90 days.]

...

“Total suspended particulate matter[,]” or “TSP[,]” means any air contaminant dispersed in the outdoor atmosphere which exists as solid particles or liquid particles at standard conditions and is measured in accordance with N.J.A.C. 7:27B-1; 40 CFR 60, Appendix A, Methods 5 through 5H; or another method approved by the Department and EPA.

**“Toxic air pollutant” or “toxic” means any of the substances listed in N.J.A.C. 7:27-21, Appendix 1, Table 1, incorporated herein by reference.**

[“USC”] **“U.S.C.” means the United States Code.**

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## 7:27-21.2 Applicability

- (a) [Any owner or operator of a facility is subject to the requirements of this subchapter for any calendar year in which] **This subchapter applies to a facility if** the facility emits or has the potential to emit, directly or indirectly to the outdoor atmosphere, any air contaminant listed [at] **in** Table 1 **below** at a rate greater than or equal to the applicable reporting threshold]. Emission statements are required, starting for the 1992 calendar year, for any air pollutant exceeding the thresholds] **given** in Table 1.

TABLE 1  
AIR CONTAMINANT REPORTING THRESHOLDS

<u>Air Contaminant</u>	<u>Reporting Threshold (Tons per Year)</u>
VOC	10
NO <sub>x</sub>	25
CO	100
SO <sub>2</sub>	100
TSP	100
<b><u>PM<sub>2.5</sub></u></b>	<b><u>100</u></b>
PM <sub>10</sub>	100
<b><u>NH<sub>3</sub></u></b>	<b><u>100</u></b>
Pb	5

- (b) With respect to the provisions of (a) above, **the following apply to the determination of either** a facility's potential to emit **or its actual** emissions:

- 1. Emissions associated with** any delivery vessel loading operation shall be included in [determining a facility's potential to emit.] **the determination;**
- 2. Emissions from any delivery vessel[, used as a]** **that is to be considered a**

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stationary storage tank, which is subject to the requirements of N.J.A.C.

7:27-16.2 pursuant to N.J.A.C. 7:27-[16.2(m),] **16.2(j)** also shall be included in [a facility's potential to emit.] **the determination; and**

- 3.** All other emissions associated with delivery vessels (for example, motor vehicle tailpipe emissions, locomotives, and tugboats) shall be excluded from [a facility's potential to emit] **the determination.**

(c) - (d) (No change.)

### **7:27-21.3 General provisions**

- (a) [Except as provided in N.J.A.C. 7:27-21.2(b), each] **The** owner or operator of a facility **to which this subchapter applies, pursuant to N.J.A.C. 7:27-21.2 and (c) below,** shall submit to the Department an [emission statement pertaining to the] **Emission Statement for each reporting year in accordance with this subchapter. The Emission Statement shall report the actual air contaminant** emissions released **from the facility** directly or indirectly into the outdoor atmosphere during [any calendar year in which the facility is subject to this subchapter pursuant to N.J.A.C. 7:27-21.2] **the year.**

- (b) [Such emission statement] **An Emission Statement** shall include **the** information [only for the air contaminant(s) for which] **required under N.J.A.C. 7:27-21.5 and shall include emission information for the following air contaminants:**

- 1.** **If the facility's potential to emit [equals or exceeds] VOC is less than 25 tons per year and if the facility's potential to emit each of the other air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold set forth [at N.J.A.C. 7:27-21.2,] in Table 1]; however, if the facility's potential to emit equals or exceeds the reporting threshold for VOC, NO<sub>x</sub>, or CO, the facility must report information for VOC, NO<sub>x</sub>, and CO] such that the facility is subject to Emission Statement requirements only because its potential to emit VOC is equal to or greater than 10 tons per year, emission information shall be reported only for:**

- i.** **The following three Table 1 air contaminants: VOC, NO<sub>x</sub> and CO; and**

- ii.** **Beginning with the Emission Statement for reporting year 2004 and for each year thereafter, each of the toxic air pollutants which are listed in N.J.A.C. 7:27-21, Appendix 1, Table 1 and for which the facility has a potential to emit that is equal to or greater than the**

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**applicable reporting threshold given in N.J.A.C. 7:27-8, Appendix 1, Table B, Reporting and SOTA Thresholds for HAPs;**

**2. If the facility's potential to emit VOC is equal to or greater than 25 tons per year or if the facility's potential to emit any other air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is equal to or greater than the reporting threshold, emission information shall be reported for the following:**

**i. Each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2, except that the reporting of emission information for PM<sub>2.5</sub> and NH<sub>3</sub> shall not begin until the Emission Statement for reporting year 2002;**

**ii. Beginning with the Emission Statement for reporting year 2002 and for each year thereafter, the greenhouse gases CO<sub>2</sub> and CH<sub>4</sub> ;and**

**iii. Beginning with the Emission Statement for reporting year 2002 and for each year thereafter, each of the toxic air pollutants which are listed in N.J.A.C. 7:27-21, Appendix 1, Table 1 and for which the facility has a potential to emit that is equal to or greater than the applicable reporting threshold listed in N.J.A.C. 7:27-8, Appendix 1, Table B, Reporting and SOTA Thresholds for HAPs.**

**(c) Once an Emission Statement has been submitted for a facility, the owner or operator shall submit an Emission Statement for such facility in each subsequent submittal year unless the following conditions are met:**

**1. By February 1 of the submittal year the owner or operator submits a claim of non-applicability to the Department pursuant to N.J.A.C. 7:27-21.10; and**

**2. By April 1 of the submittal year, the Department affirms that it concurs that the requirements of this subchapter no longer apply to the facility.**

**[(b)] (d) The owner [and] or operator of [any] a facility subject to this subchapter [shall be] is responsible for ensuring compliance with all requirements of this subchapter. [Failure] An owner or operator who fails to submit an Emission Statement that is required under this subchapter, submits an Emission Statement with incomplete information, or otherwise fails to comply with any provision of this subchapter shall be subject [the owner and operator] to civil penalties in accordance with N.J.A.C. 7:27A-3 and applicable criminal penalties including, but not limited to, those set forth at N.J.A.C. 26:2C-19[(f)1 and 2] f. [All owners and operators are] If there is more than one person who is an owner or operator of a facility, each such person shall be jointly and severally liable for such civil and criminal penalties.**

**Recodify existing (c) - (e) as (e) - (g) (No change in text.)**

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**[(f)](h)** With respect to the provisions of N.J.A.C. 7:27-21.5 [below], [emissions] **the following shall apply to any determination of which emissions to report in an Emission Statement:**

**1. All emissions at the facility (for facility-wide reporting) or associated with a source operation (for source operation level reporting) shall be included in a facility's Emission Statement, including, but not limited to, the following:**

**i. Emissions from source operations that are classified as "significant source operations," "insignificant sources," or "exempt activities" under the permitting rules at N.J.A.C. 7:27-8 or 22;**

**ii. Emissions** associated with any delivery vessel loading operation [shall be included in a facility's emission statement submittal.]; **and**

**iii. Emissions from any delivery vessel[, used as a] that is to be considered a stationary storage tank[, which is subject to the requirements of N.J.A.C. 7:27-16.2] pursuant to N.J.A.C. 7:27-[16.2(m) also shall be included in a facility's emission statement submittal.] 16.2(j);**

**2. Notwithstanding (h)1 above, the following types of emissions shall be excluded from the emissions reported in an Emission Statement:**

**i. Emission from source operations which are area sources or mobile sources, and whose emissions are accounted for by the Department and are included in the area source and mobile source components of the air emission inventory.**

**3. Notwithstanding (h)1 above, the following types of emissions shall be excluded from the emissions reported in an Emission Statement:**

**i. Emissions from "otherwise accounted-for sources." "Otherwise accounted for sources" are:**

**(1) Sources of emissions that the Department accounts for, in the emissions inventory submitted by the State to the EPA for inclusion in the State Implementation Plan, other than by reliance on information in Emission Statements. Examples of such sources of emissions include the painting of structures at the facility and light-duty motor vehicles driven at the facility; and**

**(2) Listed and identified as not to be reported in the Department's Emission Statement Guidance Document; and**

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\_\_\_\_ **ii. [All other] Except for the types of emissions listed in (h)1ii and iii above,**  
emissions associated with delivery vessels (for example, motor vehicle tailpipe  
emissions, locomotives, and tugboats) [shall be excluded from the requirements of  
N.J.A.C. 7:27-21.5(c) through (i)].

**7:27-21.4 Procedure for submitting an [emission statement] Emission Statement**

**(a) For an Emission Statement submitted for reporting year 2001 or earlier, the  
following procedures apply:**

[(a)]1. **The** Emission [statements] **Statement** shall be submitted to the Department on or  
before:

\_\_\_\_ [1.]i. May 31, 1993 for a facility [applicable] **subject** to this subchapter due to  
the emissions of 1992; and

\_\_\_\_ [2.]ii. For each following year, April 15 of each calendar year following any  
calendar year in which the facility is subject to this subchapter [.]

[(b)] Emission statements shall be submitted to the following address:

Chief, Bureau of Air Quality Planning  
Department of Environmental Protection and Energy  
CN 418  
Trenton, NJ 08625-0418  
ATTN: Emission Statements]

[(c)]2. **The** Emission [statements] **Statement** shall be submitted on a form  
[obtainable]

\_\_\_\_ **obtained** from the Department at the address listed in [(b) above.] **(c) below; and**

\_\_\_\_ [(d)]3. **Any [person] owner or operator** submitting an [emission statement] **Emission  
Statement** shall transmit the [report] **Emission Statement** to the Department on paper.  
With the written prior approval of the Department, an [emission statement] **Emission  
Statement** may be submitted on computer diskette or electronically, in a form approved  
by the Department, in lieu of a submission of an [emission statement] **Emission  
Statement** on paper. [Notwithstanding this subsection, certification in accordance with  
the provisions of N.J.A.C. 7:27-1.39 as required in this subchapter shall accompany any  
transmission of an emission statement to the Department.]

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**(b) For an Emission Statement submitted for reporting year 2002 or later, the following procedures apply:**

- 1. Unless the owner or operator obtains approval pursuant to (d) below to submit an Emission Statement on paper, each Emission Statement shall be submitted to the Department electronically using the Remote Access Data Information User System (RADIUS) software (or its successor software) available from the Department at the address given at (c) below;**
- 2. If a claim of confidentiality is being asserted for any information in an Emission Statement, pursuant to (e) below, the following shall apply:**
  - i. A version of the Emission Statement which is complete, except that it omits the information which is claimed to be confidential, shall be submitted to the Department. This document shall be submitted electronically unless the owner or operator obtains approval to submit it on paper pursuant to (d) below. Information included in any electronic submittal shall be information for which no claim of confidentiality is being made;**
  - ii. In addition to the submittal made pursuant to (b)2i above, a complete version of the Emission Statement shall also be submitted on paper, and it shall include the information that is claimed to be confidential as well as all other information required; and**
  - iii. The information given in both versions of the Emission Statement shall be identical, except that the information claimed to be confidential shall be omitted from the version submitted pursuant to (b)2i above; and**
- 3. An Emission Statement shall be submitted to the Department by the following due date:**
  - i. For submittals on paper pursuant to (d) below, by April 15 of the submittal year; and**
  - ii. For electronic submittals (for example, those submitted by diskette or e-mail), by May 15 of the submittal year; this due date shall also apply to the paper copy of the Emission Statement submitted when certain information in the electronic version of the Emission Statement is claimed to be confidential.**

**(c) The Department's Bureau of Air Quality Planning shall be the Department's point of contact for the Emission Statement program. As such:**

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1. Emission Statements shall be submitted to the Bureau:
2. Documents useful to persons preparing Emission Statement submittals, such as the Department's Emission Statement Guidance Document, copies of forms, and instructions, may be viewed and downloaded from the Bureau's web page at <http://www.state.nj.us/dep/baqp/>; and
3. The Bureau may be contacted for instructions on how to download a copy of RADIUS, to obtain any documents referenced in this subchapter, or to seek answers to questions pertaining to the Emission Statement Program. The Bureau may be contacted by phone ((609) 292-6722) or e-mail at [emis\\_statement@dep.state.nj.us](mailto:emis_statement@dep.state.nj.us). Correspondence shall be sent to the Bureau at the following address:

Bureau of Air Quality Planning  
Department of Environmental Protection  
P.O. Box 418  
Trenton, N.J. 08625-0418  
Attn: Emission Statements

- (d) If it is a hardship for an owner or operator to submit an Emission Statement electronically, the owner or operator may request approval from the Department to submit the Emission Statement on a paper form. The Department shall approve such a request provided that:

1. The request is certified by the responsible official in accordance with N.J.A.C. 7:27-1.39 and submitted to the Department no later than March 1 of the submittal year;
2. The owner or operator explains:
  - i. The grounds of the hardship electronic submittal would impose; and
  - ii. The effort(s) the owner or operator will make to ensure the facility's ability to make electronic submittals in the future; and
3. The owner or operator agrees to make every effort to become able to submit the form electronically in future years.

- (e) Any person who submits information to the Department may assert a confidentiality claim for that information in accordance with N.J.A.C. 7:27-1.6. Emissions information, as [defined] **established** at N.J.A.C. 7:27-[21.1] **1.18**, is not confidential. The Department



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will process and evaluate confidentiality claims in accordance with N.J.A.C. 7:27-1.6 through 1.30 inclusive.

**7:27-21.5 Required contents of an [emission statement] Emission Statement**

- (a) Any [person] **owner or operator** who submits an [emission statement] **Emission Statement** to the Department shall include **the following**, as an integral part of the [report] **Emission Statement**:

**1. Identification of the reporting year for which the statement is being submitted;**

[1.Certification] **2. A certification**, in accordance with the requirements of N.J.A.C. 7:27-[21.7] **21.8**; and

[2.] **3. The date of the signature of certification, and the name, title, mailing address, and telephone number of the responsible official certifying [individual] the Emission Statement.**

- (b) **An Emission [statements] Statement** shall include the following facility identification information:

1. (No change.)

[2. The parent company name, if applicable;]

**[3.]2. Facility location description, including, but not limited to:**

**i. The [physical location of the facility (that is, the] facility's street address[]];**

**ii. The county in which the facility is located;**

[4.] **iii. The mailing address of the facility[]], including its zip code; and**

**iv. The facility's State Plane coordinates given as its New Jersey or Universal Transverse Mercator (UTM) coordinates; or its latitude and longitude;**

**3. The facility ID number, as assigned by the Department;**

**4. Classification by organization type (for example, corporation, partnership, municipality);**

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5. The [SIC] **NAICS** code(s) [of] **which apply to** the facility;
  - [6. The UTM coordinates or latitude and longitude of the facility;
  7. The calendar year of the emissions;]
  - **6. The facility type (that is, major or minor). For the purposes of this subchapter a facility is a major facility if it is subject to operating permit rules under N.J.A.C. 7:27-22; otherwise it is a minor facility;**
  - **7. New Jersey Employer Identification Number;**
  8. Number of employees; **and**
  - [9. Plant contact; and]
  - [10. Plant contact phone] **9. The name(s) of the owner(s) or operator(s) of the facility and the Emission Statement contact person; and, for each, contact information such as title, mailing address, and telephone** number.
- [c) Emission statements shall include the following operating data for each source operation which has the potential to emit VOC or NO<sub>x</sub> or both:
1. Seasonal throughput;
  2. Average days of operation per week;
  3. Average hours of operation per day; and
  4. Total hours of operation for the year.
- (d) Emission statements shall include the following information at the process level for NO<sub>x</sub> (expressed as molecular weight of NO<sub>2</sub>) and VOC:
1. Emissions information:
    - i. The actual emissions of VOC and NO<sub>x</sub> in tons per year;
    - ii. The average actual emissions of VOC and NO<sub>x</sub> in pounds per day of operation during the peak ozone season;
    - iii. The code for the method used to quantify the actual emissions (see (l) and Table 2 below); and

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- iv. Any emission factor used to determine actual emissions;
- 2. Control apparatus information:
  - i. Current primary, secondary and tertiary control apparatus identification codes (see Table 3 below);
  - ii. Actual capture efficiencies achieved by the capture device. If the actual capture efficiency is unavailable, the capture device design efficiency shall be used; and
  - iii. Actual control efficiencies achieved by the control apparatus. If the actual control efficiency is unavailable, the control apparatus design efficiency shall be used; and
- 3. Process rate data:
  - i. The annual process rate; and
  - ii. The average process rate per day of operation during the peak ozone season.
- (e) Emission statements shall include the following operating data for each source operation which has the potential to emit CO:
  - 1. Seasonal throughput;
  - 2. Average days of operation per week;
  - 3. Average hours of operation per day; and
  - 4. Total hours of operation for the year.
- (f) Emission statements shall include the following information at the process level for CO:
  - 1. Emissions information:
    - i. The actual emissions of CO in tons per year;
    - ii. The average actual emissions of CO in pounds per day of operation during the peak ozone season;
    - iii. The average actual emissions of CO in pounds per day of operation during the peak carbon monoxide season;

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- iv. The code for the method used to quantify the actual emissions (see (l) and Table 2 below); and
  - v. Any emission factor used to determine actual emissions;
2. Control apparatus information:
- i. Current primary, secondary and tertiary control apparatus identification codes (see Table 3);
  - ii. Actual capture efficiencies achieved by the capture device. If the actual capture efficiency is unavailable, the capture device design efficiency shall be used; and
  - iii. Actual control efficiencies achieved by the control apparatus. If the actual control efficiency is unavailable, the control apparatus design efficiency shall be used; and
3. Process rate data:
- i. The annual process rate;
  - ii. The average process rate per day of operation during the peak ozone season; and
  - iii. The average process rate per day of operation during the peak carbon monoxide season.
- (g) Emission statements shall include the following operating data for each source operation which has the potential to emit SO<sub>2</sub>, TSP, PM<sub>10</sub> and/or Pb:
- 1. Seasonal throughput;
  - 2. Average days of operation per week;
  - 3. Average hours of operation per day; and
  - 4. Total hours of operation for the year.
- (h) Emission statements shall include the following information at the process level for SO<sub>2</sub>, TSP, PM<sub>10</sub> and/or Pb:
- 1. Emissions information:

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- i. The actual emissions in tons per year;
    - ii. The code for the method used to quantify the actual emissions (see (l) and Table 2 below); and
    - iii. Any emission factor used to determine actual emissions;
  2. Control apparatus information:
    - i. Current primary, secondary and tertiary control apparatus identification codes (see Table 3);
    - ii. Actual capture efficiencies achieved by the capture device. If the actual capture efficiency is unavailable, the capture device design efficiency shall be used; and
    - iii. Actual control efficiencies achieved by the control apparatus. If the actual control efficiency is unavailable, the control apparatus design efficiency shall be used; and
  3. Process rate data:
    - i. The annual process rate; and
    - ii. The average process rate per day of operation during the peak ozone season.
- (i) The following information may replace the more detailed information required at (c) through (h) above only for any source operation which has the potential to emit less than 0.1 ton per year of Pb or less than one ton per year of any other air contaminant required to be reported pursuant to this Subchapter:

- \_\_\_\_\_ 1. The following information shall be supplied:
- i. A description of each source operation; and
  - ii. Actual emissions of each air contaminant emitted from each source operation shall be estimated at one ton per year for any other air contaminant; and
  - iii. Code 10 from Table 2 below.
2. The following information shall be supplied:

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- i. A description of each source operation;
- ii. Estimated actual emission in tons per year;
- iii. The code for the method used to quantify the actual emissions (see (l) and Table 2 below); and
- iv. Any emission factor used to determine actual emissions.]

**(c) An Emission Statement shall include information identifying all source operations, located at the facility. This information shall include, but not be limited to, the following:**

- 1. Information on each of the facility's significant source operations, including but not limited to, the source ID number; its equipment type (for example, boiler, degreaser, surface coating equipment); a description of the source operation; its maximum design capacity; identification of any control apparatus associated with the source operation; (for combustion sources) the types of fuels burned; and any permit or operating certificate numbers assigned to the source. Additionally, other source characteristics and parameters may be required to be reported which allow the Department to calculate or verify the calculation of emissions;**
- 2. Information on each of the facility's insignificant source operations, including but not limited to, its source ID number, its equipment type, and a description of the source operation;**
- 3. Information on sources of fugitive emissions at the facility that are not associated with any source operation, including, but not limited to, description of the activity that causes the fugitive emissions and a source ID number, if available; and**
- 4. If a permit has been issued by the Department for a batch production plant at the facility, information on each operating scenario approved for the batch production plant. The information shall include a description of the batch production plant and other information including, but not limited to; i. An ID number; ii. A description of approved operating scenarios including, but not limited to, the steps in the scenario and the SCC code of the scenario; iii. Identification of any source operations and control apparatus in the batch production plant; iv. The operation type (for example, steady-state); and v. Any permit or operating certificate numbers.**

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**(d) With respect to each of the source operations identified pursuant to (c) above, the following information shall be provided:**

- 1. For each significant source operation, information on each control apparatus serving the source operation, including, but not limited to; i. Its control device ID number; ii. A description of the control apparatus; iii. Classification as a primary, secondary or tertiary control apparatus; iv. Identification of the control apparatus by type (for example, adsorber, condenser, flare); actual capture and removal efficiency and actual overall control efficiency; v. The operating time of the control apparatus; and vii. Identification of the source operation(s) served by the control apparatus;**
- 2. Identification of each of the facility's emission points; and, for each of these emission points, information including, but not limited to, its ID number; a description of the emission point; whether it is a source operation or fugitive emissions; whether it is served by control apparatus and, if so, a description of the control apparatus; and information characterizing emissions from the emission point, including but not limited to, the following:**
  - i. Release height (for example, height above ground level where the air contaminant is emitted to the atmosphere), release volume and release temperature;**
  - ii. Description of terrain, surrounding structures, and other features (for example, the distance to the property line, specification of adjacent structures, and terrain descriptions such as mountainous, urban, or rural);**
  - iii. Stack or vent diameter at point of emissions (the inside diameter of vent at the point of emission to the atmosphere);**
  - iv. Frequency and/or duration of release;**
  - v. Concentration of an air contaminant in an emission stream (for example, the amount of an emission stream constituent relative to other stream constituents, expressed in appropriate units (parts per million (ppm), volume percent, or weight percent)); and**
  - vi. Density of the emissions stream or its average molecular weight (for example, density expressed as a fraction or multiple of the density of air; or molecular weight);**

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3. The class(es) or specie(s) of air contaminant emissions (for example, VOC, SO<sub>2</sub>) that the source operation, together with the associated control apparatus, has the potential to emit; and
  4. The source(s) of fugitive emissions associated with each source operation.
- (e) An Emission Statement shall include facility-wide emission information and emission information at the source operation level as follows:
1. Facility-wide emission information shall be given for all air contaminants required to be included in facility's Emission Statement pursuant to N.J.A.C. 7:27-21.3(b); and
  2. Emission information shall be given at the source operation level for all of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2, except that:
    - i. Source operation level information shall not be reported for PM<sub>2.5</sub> and NH<sub>3</sub>; and
    - ii. If the facility's potential to emit VOC is less than 25 tons per year and if the facility's potential to emit each of the other air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold set forth at N.J.A.C. 7:27-21.2 in Table 1, source operation level emission information shall be given only for NO<sub>x</sub>, VOC, and CO.
- (f) Emission information included in an Emission Statement pursuant to (e) above shall be provided in format acceptable to the Department and on an Emission Statement form obtained from the Department. This information shall include the following:
1. For each air contaminant, information pertaining to the amount of air contaminant emitted, given on a facility-wide basis or on the source operation level (as applicable pursuant to (e) above), including, but not limited to:
    - i. The actual emissions of the air contaminant during a specified time period, including the actual emissions of VOC and NO<sub>x</sub> in tons during the ozone season and in pounds per day during the peak ozone season. Such emissions may be the total facility-wide emissions, emissions from a specific source operation, emissions from a specific emission point, and fugitive emissions associated with specific source operations or other fugitive sources; and
    - ii. The average actual emission rate for a specified time period, including the average actual rate of emissions of VOC or NO<sub>x</sub> in pounds per day



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of operation during the peak ozone season; or the average actual emissions of CO in pounds per day of operation during the peak carbon monoxide season. Such emissions may be, for a specific time period or season, the total facility-wide emissions, emissions from a specific source operation, emissions from a specific emission point, and fugitive emissions associated with specific source operations or other fugitive sources;

2. Parameters used in calculating emissions, including but not limited to:
  - i. Specific dimensions of a source operation (for example, for a storage tank, tank type and tank diameter and height);
  - ii. Process inputs, intermediates, outputs, and wastes (for example, material stored in storage tanks);
  - iii. The type and amount of fuel burned in a combustion unit and the heat content of the fuel); or
  - iv. The design and firing method of a combustion unit;
3. The method used to quantify actual emissions selected pursuant to N.J.A.C. 7:27-21.6;
4. Any emission factor used to determine actual emissions.
5. The units in which the emissions are reported (for example, tons or pounds per hour);
6. Information pertaining to operation, including but not limited to:
  - i. The activity rate/throughput during a specific time period, (per year, per quarter, or per season such as the peak ozone season);
  - ii. For each quarter, the quarterly activity rate/throughput, expressed as a percentage of actual annual activity rate/throughput;
  - iii. The types and amounts of fuel burned, process inputs consumed, or intermediate or final product produced;
  - iv. The total actual hours of operation (per day, per week, per season, per year, or other period); and
  - v. The average number of hours of operation per day or week or other period; and

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- 7. For VOC, NO<sub>x</sub>, and CO, a projection of the amount of increase or decrease in emissions expected in the future, given as a percentage of the reporting year's emissions.**
- (g) To simplify the reporting of emissions from a source operation with minimal emissions, an owner or operator may alternatively report the source operation's potential to emit a given air contaminant as its actual emissions of the air contaminant, provided that:**
- 1. The Emission Statement reflects that simplified reporting is being used;**
  - 2. The air contaminant being reported is one that is listed in Table 2 below; and**
  - 3. The source operation has a potential to emit the air contaminant in an amount that is less than or equal to the criteria amount given in Table 2 below.**

**TABLE 2**  
**APPLICABILITY CRITERIA FOR SIMPLIFIED REPORTING**

<b><u>Air Contaminant</u></b>	<b><u>Criteria Amount</u></b>
<b><u>VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, TSP, PM<sub>10</sub>, PM<sub>2.5</sub>, or NH<sub>3</sub></u></b>	<b><u>1.00 ton per year</u></b>
<b><u>Pb</u></b>	<b><u>0.10 tons per year</u></b>

**[(j) Emission statements shall include] (h) In reporting source operation level emissions information in an Emission Statement, fugitive emissions associated with a source operation shall be reported as part of the emissions of that source operation. In facility-wide reporting, a facility's cumulative total fugitive emissions [for the facility for] shall be given as an aggregation of all fugitive emissions [that cannot be reported in the information pursuant to (c) through (i) above. Such fugitive emissions shall be expressed:] at the facility that are not associated with a specific source operation; and these cumulative total fugitive emissions shall be added to the facility's other emissions to determine the facility's total emissions.**

- [1. In tons per year;**
- 2. For CO, VOC and NO<sub>x</sub> emissions, in average pounds per day of operation during the peak ozone season; and**

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3. For CO emissions, in average pounds per day of operation during the peak Carbon monoxide season.]

[(k)](i) (No change in text.)

#### **7:27-21.6 Methods to be used for quantifying actual emissions**

[(l)](a) The method used for quantifying actual emissions [for a source operation] for use in preparing emission information required [in (d)1, (f)1, (h)1 or (i)2 above] **at N.J.A.C. 7:27-21.5(e)** shall be [the method from Table 2 which is reasonably available and which the reporting entity believes best estimates the actual emissions from the source operation, unless an operating] **determined as follows:**

**1. If a permit [pursuant to Title V of the Federal Clean Air Act has been] or certificate issued by the Department [for the facility . In such case, the method used shall be the method specified in the operating permit] pursuant to N.J.A.C. 7:27- 8 or 22, specifies a method for quantifying actual emissions of a given air contaminant, then that method shall be used; and**

**2. For all other cases, the method that shall be used is the best available quantification method selected from Table 3 below. The best available quantification method is a method listed in Table 3 that is reasonably available, as defined at N.J.A.C. 7:27-21.1, and provides the most accurate estimation of the actual emissions from the source operation. An owner or operator submitting an Emission Statement shall presume that the highest ranked method in Table 3, which is also reasonably available, is the best available quantification method and use that method, unless a different method is selected pursuant to (b) below.**

[TABLE 2  
CODES FOR METHODS OF QUANTIFYING  
ACTUAL EMISSIONS

Emissions based on Continuous Emission Monitoring	1
Emissions based on source test or other measurements	2
Emissions based on material balance using engineering knowledge of the process	3
Emissions based on AP-42	4

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Emissions based on best engineering judgment	5
Emissions based on a state or local agency's emission factor	6
New construction not yet operational; emissions are zero	7
Source closed, operation ceased	8
Emissions to be computer calculated by the Department or EPA based on standard emission factor (SCC emission factor file)	9 †
Emissions to be computer calculated by the Department or EPA based on other approved emission factor	10 †
Emissions estimated at one ton per year (0.1 ton per year for Pb)	11 /
†	Codes 8 and 9 may only be used for selected source operations with prior notice or approval from the Department
/	Code 10 may only be used for source operations which meet the criteria to report pursuant to (i)1 above

TABLE 3  
CONTROL APPARATUS IDENTIFICATION CODES

Control Apparatus	Code
No control apparatus	000
Wet scrubber high efficiency	001
Wet scrubber medium efficiency	002
Wet scrubber low efficiency	003
Gravity collector high efficiency	004
Gravity collector medium efficiency	005
Gravity collector low efficiency	006
Centrifugal collector high efficiency	007
Centrifugal collector medium efficiency	008
Centrifugal collector low efficiency	009
Electrostatic precipitator high efficiency	010
Electrostatic precipitator medium efficiency	011

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Electrostatic precipitator low efficiency	012
Gas scrubber - general	013
Mist eliminator high velocity	014
Mist eliminator low velocity	015
Fabric filter high temperature	016
Fabric filter medium temperature	017
Fabric filter low temperature	018
Catalytic afterburner	019
Catalytic afterburner-heat exchange	020
Direct flame afterburner	021
Direct flame afterburner-heat exchange	022
Flaring	023
Modified furnace or burner	024
Staged combustion	025
Flue gas recirculation	026
Reduced combustion-air preheat	027
Steam or water injection	028
Low excess-air firing	029
Fuel-low nitrogen content	030
Air injection	031
Ammonia injection	032
Control of % O <sub>2</sub> in combustion air	033
Wellman-Lord/sodium sulfate scrubber	034
Magnesium oxide scrubbing	035
Dual alkali scrubbing	036
Citrate process scrubbing	037
Ammonia scrubbing	038
Catalytic oxidation - flue gas desulfuring	039
Alkalized alumina	040
Dry limestone injection	041
Wet limestone injection	042
Sulfuric acid plant - contact process	043
Sulfuric acid plant - double contact process	044
Sulfur plant	045
Process change	046
Vapor recovery system	047
Activated Carbon adsorption	048
Liquid filtration system	049
Packed-gas absorption	050
Tray-type gas absorption column	051
Spray Tower	052
Venturi scrubber	053
Process enclosed	054
Impingement plate scrubber	055

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Dynamic separator (dry)	056
Dynamic separator (wet)	057
Mat or panel filter	058
Metal fabric filter screen	059
Process gas recovery	060
Dust suppressor - water spray	061
Dust suppressor - chemical stabilization/wet agents	062
Gravel bed filter	063
Annular ring filter	064
Catalytic reduction	065
Molecular sieve	066
Wet lime slurry scrubbing	067
Alkaline fly ash scrubbing	068
Sodium Carbonate scrubbing	069
Sodium -alkaline scrubbing	070
Fluid bed dry scrubber	071
Tube and shell condenser	072
Refrigerated condenser	073
Barometric condenser	074
Single cyclone	075
Multiple cyclone with out fly ash reinjection	076
Baffle	078
Multiple cyclone with fly ash reinjection	079
Chemical oxidation	080
Chemical reduction	081
Ozonation	082
Chemical neutralization	083
Activated clay adsorption	084
Wet cyclonic separator	085
Water curtain	086
Nitrogen blanket	087
Conservation vent	088
Bottom filling	089
Conversion to variable vapor space tank	090
Conversion to floating roof tank	091
Conversion to pressurized tank	092
Submerged filling	093
Underground tank	094
White paint	095
Vapor lock balance recovery system	096
Installation of secondary seal for external floating roof tank	097
Moving bed dry scrubber	098
Miscellaneous control devices	099
High efficiency particulate air filter	101]

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**TABLE 3**  
**RANKING OF METHODS**  
**FOR QUANTIFYING ACTUAL EMISSIONS**

<b><u>Rank</u></b>	<b><u>Method</u></b>
<b><u>1</u></b>	<b><u>Continuous Emissions Monitoring</u></b>
<b><u>2</u></b>	<b><u>Predictive Emissions Monitoring</u></b>
<b><u>3</u></b>	<b><u>Department Approved and Supervised Source Emission Testing Performed during the Reporting Year</u></b>
<b><u>4</u></b>	<b><u>Department Approved and Supervised Source Emission Testing Performed in a Prior Year</u></b>
<b><u>5</u></b>	<b><u>Mass/Material Balance</u></b>
<b><u>6</u></b>	<b><u>AP-42 Emission Factor or Selection of a Source Emission Test for a Similar Size Unit from the AP-42 Basis and Background Documents</u></b>
<b><u>7</u></b>	<b><u>Manufacturer's Estimate</u></b>
<b><u>8</u></b>	<b><u>Others (including):</u></b>
	<b><u>Industry Council or Organization Emission Factor</u></b>
	<b><u>-Source Emission Testing Not Approved or Supervised by the Department</u></b>
	<b><u>-Good Engineering Judgement/Factor</u></b>

**(b) A method listed in Table 3, which is ranked lower than the highest ranked reasonably available method, may be used to quantify actual emissions for an Emission Statement if any of the following conditions are met:**

- 1. The owner or operator can demonstrate that use of the lower ranked method results in more accurate quantification of emissions than what would have been achieved using any higher ranked method that is reasonably available; or**
- 2. Use of the lower ranked method is consistent with EPA's guidance, including its hierarchy for emission calculation methods and/or its identification of preferred methods for specific types of source operations, as set forth in the most current version of EPA's Emissions Inventory Improvement Program Guidance Document.**

**(c) For each emissions calculation method used in an Emission Statement which is a lower ranked method being used pursuant to (b) above, a written justification shall be prepared documenting the basis for the use of the lower ranked method. This justification shall be maintained on-site and be provided upon request to the Department. It shall include:**

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1. Identification of the quantification method that was the highest-ranking reasonably available method pursuant to the rankings in Table 3;
2. Identification of the method selected by the owner or operator pursuant to (b) above; and
3. An explanation of how selection of this method conforms with the applicable condition(s) in (b) above.

**7:27-[21.6] 21.7 Record keeping requirements**

- (a) [Each] **For each Emission Statement submitted to the Department, the** owner or operator of [a] **the** facility subject to this **subchapter** shall maintain the following records [on the operating premises] **at the facility** for a period of five years from the [due] date [of each emission statement] **each submittal is due**:
1. A copy of the [emission statement] **Emission Statement** submitted to the Department; [and]
  2. Records indicating how the information submitted in the [emission statement] **Emission Statement** was determined, including any calculations, data, measurements, and estimates used [.] **; and**
  3. **Each written justification required pursuant to N.J.A.C. 7:27-21.6(c) documenting the basis for the selection of a lower ranked method for quantifying emissions.**
- (b) (No change.)
- (c) Upon receipt of a written request from the Department, the owner or operator of the facility shall timely submit a copy of the records specified in (a) above to the Department by mail or by other means as agreed to by the Department.**

**7:27-[21.7] 21.8 Certification of information**

- (a) Any [person] **owner or operator** who submits an [emission statement] **Emission Statement** to the Department shall include, as an integral part of the [emission statement] **Emission Statement**, the following two-part certification:
1. A certification signed by the individual or individuals (including any consultants) with direct knowledge of and responsibility for the information contained in the



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[emission statement] **Emission Statement.** The [certificate] **certification** shall state:

“I certify under penalty of law that I believe the information provided in this emission statement is true, accurate and complete. For those portions of the above information based on estimates, those estimates are the result of good faith application of sound professional judgement, using techniques, factors, or calculations approved by the Department or EPA, or generally accepted in the trade. I am aware that there are significant civil and criminal penalties, including fines or imprisonment or both, for submitting false, inaccurate or incomplete information.”

2. (No change.)

**(b) Certification of an Emission Statement, pursuant to (a) above, shall be performed in accordance with the following:**

**1. If the Emission Statement is being submitted electronically, the responsible official shall certify the submittal by inserting his or her personal identification number (PIN), as assigned by the Department, into the applicable signature area following the text of the certification language given on the electronic Emission Statement form; and this insertion shall constitute certification of the Emission Statement in accordance with (a) above; or**

**2. If the Emission Statement is being submitted on a paper form obtained from the Department, the responsible official shall sign the certification on the paper form; and this signature shall constitute certification of the Emission Statement in accordance with the certification language at (a) above.**

**(c) If a claim of confidentiality is being asserted pursuant to N.J.A.C. 7:27-1.6 for any part of an Emission Statement, both of the submittals shall be certified. That is, the submittal which omits the confidential information, and which includes only the information for which no claim of confidentiality is being made, shall be certified; and also the submittal which includes all the required Emission Statement information, including the information for which a claim of confidentiality is being made, shall be certified.**

**7:27-[21.8]21.9 Request for extension[s]**

(a) [A responsible official who is unable to submit an emission statement pursuant to this subchapter by] **If meeting the due date set forth at N.J.A.C. 7:27-21.4 for submittal of an Emission Statement would cause extreme hardship, an owner or operator** may request an extension [to submit an emission statement].

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(b) A request for an extension shall include the following information:

1. The [Air Pollution Control Plant Identification Number of the facility (if one exists)] **name of the facility; the mailing address of the facility, including its zip code; and its facility ID number, as assigned by the Department;**
2. The [plant] **name of the Emission Statement contact for the facility and the contact person's** telephone number;
3. The name [and telephone number] of the responsible official **and the responsible official's telephone number;**
4. The reasons and justifications for the inability to submit the [emission statement] **Emission Statement** by the due date and the extreme hardship that would be prevented [by submitting the emission statement after] **if the Department allows an extension of** the due date; **and**
5. The **revised** date by which the [responsible official] **owner or operator** commits to [submit the emission statement which] **submitting the Emission Statement. This revised date** can be no later than one month from the due date; **and**
- **6. A certification, signed by the responsible official, in accordance with N.J.A.C. 7:27-1.39.**

(c) A request for an extension shall be submitted, in writing, to the following address:

Chief, Bureau of Air Quality Planning  
Department of Environmental Protection  
[CN] **P.O. Box** 418  
Trenton, N.J. 08625-0418  
ATTN: Emission Statements - Extension Request

- (d) [The Department recommends that an initial request for an extension be submitted by April 1. The Department will not consider an initial request for an extension if the Department receives it after April 15.] **A request to extend the due date must be received by the Department by April 1 of the submittal year for a paper submittal and by May 1 of the submittal year for an electronic submittal. The Department will not consider a request for an extension it receives after these dates.**
- [(e) A responsible official may request one additional request for an extension as long as the Department receives it before the initial extension has expired.]

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~~[(f)]~~**(e)** Within 10 working days after receipt of a request for extension, the Department will respond with its determination as to whether the request for extension is denied or granted and, **if granted**, the **revised** date by which the [emission statement] **Emission Statement** is due. The Department will grant an extension if the extension is necessary to prevent extreme hardship.

**(f) Once an owner or operator has obtained an extension of the due date for the submission of an Emission Statement pursuant to (a) through (e) above, the Department will not grant any additional extension for that Emission Statement or any continuance of the initial extension.**

**(g)** A request for an extension shall be automatically granted if all of the following conditions are met:

1. The Department receives a request for an extension from the responsible official by the date set forth in (d) above for an initial request or in (e) above for an additional request;
2. The date that the responsible official commits to submit the emission statement is no later than one month after the due date as set forth in (b)5 above; and
3. The Department does not respond within ten working days of receipt of the request.]

**7:27-[21.9] 21.10 [Notification] Determination of non-applicability**

**(a)** If [conditions at] **the construction and/or operation of** a facility [have changed in a manner] **are modified** such that [a facility which was required to submit an emission statement in the previous year is not required to submit an emission statement the current year] **the facility's potential to emit each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold given in the table,** the [responsible official shall notify] **owner or operator may request approval from** the Department **to discontinue submission of annual Emission Statements by submitting,** in accordance with this section, **a claim of non-applicability.** [The responsible official shall submit such notification of non-applicability]

**(b) An owner or operator may not submit a claim of non-applicability until the facility's potential to emit each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 has been less than the applicable reporting threshold for at least the immediately preceding full reporting year. However, an owner or operator is advised to submit a claim of non-applicability to the Department [by] no later than February 1 of the [first] submittal year in which the [facility is not required to submit an emission statement] owner or operator wishes to discontinue submission of Emission Statements. For**

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example, if [in calendar] **throughout reporting** year [the facility does not meet the applicability requirements for submitting an emission statement in 1995, the responsible official must] **2000, the facility's potential to emit each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold, and the official and the owner or operator therefore would like approval not to submit an Emission Statement in submittal year 2001, the owner or operator should** submit [the notification] a claim of non-applicability [by] **no later than** February 1, [1995] **2001. If a claim of non-applicability is received by the Department after February 1, the Department is under no obligation to respond to the claim until the following year.**

[(b) Such notification] **(c) A claim** of non-applicability must include the following information:

1. The [Plant ID of the] **name of the facility; the mailing address of the facility, including its zip code; and its facility ID number, as assigned by the Department;**
2. The [plant] **name of the Emission Statement contact for the facility and the contact person's** telephone number;
3. The name [and telephone number] of the responsible official **and the responsible official's telephone number;**
4. [The reasons and justifications as to why the responsible official believes] **A demonstration** that the facility [is not required to submit an emission statement pursuant to] **no longer meets the applicability criteria set forth at** N.J.A.C. 7:27-21.2 [including, but not limited to,]. **The demonstration shall show that the facility's potential to emit each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold given in Table 1 and has been for the full preceding calendar year. Determination of the facility's potential to emit shall reflect all emissions from the facility including** the following:
  - i. [The maximum annual quantity of air contaminants allowed to be emitted from all sources pursuant to each preconstruction permit held by the facility at any time during the year] **The potential to emit for the significant source operations at the facility, including the fugitive emissions associated with the significant source operations;**
  - ii. [The maximum annual quantity of air contaminants that can be emitted from all source operations at their maximum design capacity that are not subject to a preconstruction permit] **The potential to emit for the insignificant source operations at the facility, including the fugitive emissions associated with these source operations; and**

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iii. [The maximum annual quantity of all air contaminants that can be emitted as] **The facility's potential to emit any other** fugitive emissions **which are not accounted for pursuant to (c)4i or ii above;** [and]

[iv. Whether] **5. The following statements:**

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i. **A statement as to whether** the facility is [required to obtain or has voluntarily applied for an] **subject to** operating permit [pursuant to] **requirements under** N.J.A.C. 7:27-22; and

[5.]ii. A statement as to whether the owner or operator anticipates that conditions at the facility may change in **such** a manner **so** that **the requirements of this subchapter may again become applicable to** the facility [may] in **the** future [years be required to submit an emission statement pursuant to N.J.A.C. 7:27-21.2.] **and therefore the facility may become obligated to recommence submission of Emission Statements; and**

---

**6. A certification, signed by the responsible official, in accordance with N.J.A.C. 7:27-1.39.**

[(c)](d) A [notification] **claim** of non-applicability shall be submitted to the following address:

Chief, Bureau of Air Quality Planning  
Department of Environmental Protection  
[CN] **P.O. Box** 418  
Trenton, N.J. 08625-0418  
ATTN: Emission Statement - Notification of Non-applicability

[(d) By April 1, the] (e) **The** Department shall [respond with its] **respond by April 1 of each calendar year to the claims of non-applicability that it received between February 2 of the preceding calendar year and February 1 of the current calendar year. The Department's response will set forth the Department's** determination as to whether the Department concurs [with the responsible official's statement] that **this subchapter no longer applies to** the facility [is not required to submit an emission statement] **(and the owner or operator therefore need not submit an Emission Statement for the prior reporting year). The Department shall not approve any claim of non-applicability unless it is satisfied that:**

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1. **The facility has been modified so that its potential to emit each of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2 is less than the applicable reporting threshold given in Table 1 and has been less than the reporting threshold for at least one full reporting year; and**

- 2. The facility will not in the foreseeable future change in such a manner that the facility's potential to emit any air contaminant listed in Table 1 at N.J.A.C. 7:27-21.2 would again exceed the applicable reporting threshold in Table 1, and the facility would therefore be obligated to recommence submission of Emission Statements.**
- (f) An owner or operator who has submitted a claim of non-applicability shall nonetheless continue to submit an Emission Statement in each submittal year unless the owner or operator has received a response from the Department by April 1 of that year, or earlier, that states that the Department concurs with the claim of non-applicability and approves discontinuance of submission of Emission Statements for the facility. Failure of the Department to [meet this deadline] respond by April 1 to the submission of a claim of non-applicability does not relieve the [facility's] owner or operator of the responsibility to [comply with all applicable provisions of this subchapter] submit an Emission Statement nor does it constitute the Department's concurrence with the [responsible official's statement that the facility is not required to submit an emission statement] claim of non-applicability.**
- [(e) If a notification of non-applicability is received by the Department after February 1, the Department is under no obligation to respond to the notification and may take enforcement action pursuant to N.J.A.C. 7:27A-3.10 if the facility does not submit an emission statement pursuant to this subchapter and the Department determines that the facility was required to do so.] Nonetheless, even if the Department approves a claim of non-applicability for a facility, if in the current reporting year, or in any subsequent reporting year, the facility's potential to emit any air contaminant listed in Table 1 at N.J.A.C. 7:27-21.2 becomes equal to or greater than the applicable reporting threshold given in Table 1, the owner or operator shall submit an Emission Statement for that reporting year and recommence submitting Emission Statements annually thereafter in accordance with this subchapter.**

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## APPENDIX 1

**TABLE 1**  
**Toxic Air Pollutants**  
**To Be Reported In Emission Statements**

<u>Air Contaminant</u>	<u>CAS Number<sup>1</sup></u>
<u>Acetaldehyde</u>	<u>75-07-0</u>
<u>Acrolein</u>	<u>107-02-8</u>
<u>Acrylonitrile</u>	<u>107-13-1</u>
<u>Arsenic and compounds</u>	
<u>Benzene</u>	<u>71-43-2</u>
<u>Beryllium and compounds</u>	
<u>1,3-Butadiene</u>	<u>106-99-0</u>
<u>Cadmium and compounds</u>	
<u>Carbon tetrachloride</u>	<u>56-23-5</u>
<u>Chloroform</u>	<u>67-66-3</u>
<u>Chromium and compounds</u>	
<u>1,3-Dichloropropene</u>	<u>542-75-6</u>
<u>1,4-Dioxane</u>	<u>123-91-1</u>
<u>Dioxins</u>	
<u>Ethylene dibromide</u>	<u>106-93-4</u>
<u>Ethylene dichloride</u>	<u>107-06-2</u>
<u>Ethyleneimine</u>	<u>151-56-4</u>
<u>Ethylene oxide</u>	<u>75-21-8</u>
<u>Formaldehyde</u>	<u>50-00-0</u>
<u>Hexachlorobenzene</u>	<u>118-74-1</u>
<u>Hydrazine</u>	<u>302-01-2</u>
<u>Hydrochloric acid</u>	<u>7647-01-0</u>
<u>Manganese and compounds</u>	
<u>Mercury and compounds</u>	
<u>Methylene chloride</u>	<u>75-09-2</u>
<u>Nickel and compounds</u>	
<u>Polychlorinated biphenyls</u>	
<u>Polycyclic organic matter<sup>2</sup></u>	
<u>Propylene dichloride</u>	<u>78-87-5</u>
<u>Quinoline</u>	<u>91-22-5</u>
<u>1,1,2,2-Tetrachloroethane</u>	<u>79-34-5</u>

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<u>Tetrachloroethylene</u>	<u>127-18-4</u>
<u>1,1,1-Trichloroethane</u>	<u>71-55-6</u>
<u>1,1,2-Trichloroethane</u>	<u>79-00-5</u>
<u>Trichloroethylene</u>	<u>79-01-6</u>
<u>Vinyl chloride</u>	<u>75-01-4</u>

<sup>1</sup> ~~Given here for individual contaminants only, not for classes of contaminants. A CAS~~  
number is a unique identifier which is assigned to each chemical specie by the  
Chemical Abstract Service, a division of the American Chemical Society.

<sup>2</sup> ~~A group of chemicals formed from the incomplete combustion of organic~~  
substances. Included in this group are benzo(a)pyrene, acenaphthene, anthracene,  
chrysene, and others.



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## **SUBCHAPTER 22. OPERATING PERMITS**

### **7:27-22.1 Definitions**

The following words and terms, when used in this subchapter, have the meanings given below unless the context clearly indicates otherwise.

[“Emission statement year” means the reporting period required by the emission statement rules at N.J.A.C. 7:27-21. The reporting period runs from December 1 through November 30. Each emission statement year is designated according to the calendar year in which 11 of the 12 months of the reporting period fall. For example, the period from December 1, 1998 through November 30, 1999 is emission statement year 1999, for which an emission statement submission is due in April 2000.]

...

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**“NAICS code” means the North American Industrial Classification System code, assigned by the United States Office of Management and Budget, which classifies establishments according to the type of economic activity in which they are engaged. An NAICS manual is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.**

...

“NSPS” means [a] Standards of Performance for new stationary sources as promulgated under 40 CFR 60, commonly referred to as New Source Performance Standards.

...

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**“Reporting year” means the calendar year during which emissions reported in an Emission Statement were emitted , except that carbon monoxide emissions emitted in December of the preceding calendar year shall also be reported as part of the peak carbon monoxide season emissions in a given year.**

...

“Stack or chimney” means a flue, conduit or opening designed, constructed, or used for emitting any air contaminant into the outdoor atmosphere.

...

### **7:27-22.6 Operating permit application contents**

(a) - (e) (No change.)

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- (f) An application for an initial operating permit shall include all information required by the application form, the instructions accompanying the application form, and the applicable completeness checklist(s) for the application. This shall include, but is not limited to, the following:

1. - 3. (No change.)

4. A general description of each of the facility's production processes and products[, identified by SIC Code,] in sufficient detail to determine which applicable requirements apply to the facility [. This], **including but not limited to, for each production process (on and after (operative date of these amendments) its NAICS code.** The description shall set forth for each production process:

i. - iii. (No change.)

5. - 12. (No change.)

- (g) - (n) (No change.)

## **7:27-22.31 Fees**

- (a) (No change.)

- (b) Emission fees shall be paid by January 31 of each fiscal year, except for the emission fee for fiscal year 1995, which is due October 8, 1995. Emission fees shall be based on the facility's actual emissions during the [emission statement] **reporting** year which was two years prior to the fiscal year for which the fee is due. **(For example, emission fees due on January 31, 2002, which falls in fiscal year 2002, shall be based on the facility's emissions in reporting year 2000.)** If actual emission information on a source operation is unavailable, or an [emission statement] **Emission Statement** has not been filed for a source operation, the emission fee shall be based on permitted emissions, or if no permit has been issued, on the facility's potential to emit. Guidance on calculating actual emissions and potential to emit may be requested from the Department at the address in N.J.A.C. 7:27-22.3(t). Guidance on calculating the CPI for purposes of fee calculations can be found at (i) below. A facility's emission fee shall be calculated as follows:

1. - 3. (No change.)

- (c) - (s) (No change.)

## **CHAPTER 27A AIR ADMINISTRATIVE PROCEDURES AND PENALTIES**

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### **SUBCHAPTER 3. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS**

#### **7:27A-3.2 Definitions**

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise. Unless otherwise specified below, all words and terms are as defined in N.J.A.C. 26:2C-2 and in N.J.A.C. 7:27.

**"AAQS" means Ambient Air Quality Standards, as defined in N.J.A.C. 7:27-13.**

...

**[ "AAQS" means Ambient Air Quality Standards, as defined in N.J.A.C. 7:27-13.]**

...

**"Continuous opacity monitor" or "COM" means a device which continuously measures opacity of flue gases [on a continuing basis].**

...

**"HAP (Table [C]B )" means a hazardous air pollutant [as defined] listed in N.J.A.C. 7:27-8, Appendix 1, Table B.**

**"Hazardous air pollutant" or "HAP" means an air contaminant listed in or pursuant to 42 U.S.C. §7412(b).**

**[ "NESHAPS" ] "NESHAP" means a National Emission Standard[s] for a Hazardous Air Pollutant[s], as [set forth in] promulgated under 40 CFR Part 61 or Part 63.**

**"NSPS" means [New Source Performance Standards, as set forth in] Standards of Performance for New Stationary Sources as promulgated under 40 CFR 60, commonly referred to as New Source Performance Standards.**

...

**[ "PSDAQ" ] "PSD" or "prevention of significant deterioration" means [Prevention of Significant Deterioration of Air Quality, as set forth in 40 CFR 51.] the requirements pursuant to 40 CFR 51.166, administered through the Department's permitting process, which apply to a new or modified major facility located in an attainment area. The Department accepted delegation of the administration of the PSD program from EPA on February 22, 1983.**

...

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“TXS” means a substance listed [as a toxic substance] in **Table 1 of**  
N.J.A.C. 7:27-[17] **17.3**.

“Vapor pressure” means the pressure of the vapor phase of a substance, or the sum of the partial pressures of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the **substance or** substances.

...

**7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act**

(a) - (l) (No change.)

(m) The violations of N.J.A.C. 7:27 and the civil administrative penalty amounts for each violation are as set forth in the following Civil Administrative Penalty Schedule. The numbers of the following subsections correspond to the numbers of the corresponding subchapter in N.J.A.C. 7:27. The rule summaries for the requirements set forth in the Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

**CIVIL ADMINISTRATIVE PENALTY SCHEDULE**

1. - 4. (No change.)

5. The violations of N.J.A.C. 7:27-5, Prohibition of Air Pollution, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following tables:

Citation	Fourth and Each			
	First Offense	Second Offense	Third Offense	Subsequent Offense
N.J.A.C. 7:27-5.2(a), the emission of air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property				
Maximum Penalty Per Violation	\$10,000 <sup>7</sup>	\$25,000 <sup>7</sup>	\$50,000 <sup>7</sup>	\$50,000 <sup>7</sup>
The maximum penalty may be reduced by applying the following factors:				
(1) (No change.)				

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## Citation

## Fourth and Each

## First Offense Second Offense Third Offense Subsequent Offense

### (2) Magnitude of Problem

(A) (No change.)

(B) Nature of Air Contaminant <sup>9</sup>

Particulates & other air contaminants: 15% Reduction from the maximum penalty

VOC, NO<sub>x</sub> or other criteria pollutant: 5% Reduction from the maximum penalty

EHS, TXS or [NESHAPS] **NESHAP** : 0% Reduction from the maximum penalty

(C) - (E) (No change.)

<sup>7</sup> For instance, for the first offense, if the violator takes remedial measures to mitigate the effects of the violation, the Department may reduce \$1,500 (15%) from the maximum penalty. Further, if the violator takes measures that can reasonably be expected to prevent a recurrence of the same type of violation, the Department may reduce an additional \$2,000 (20%) from the maximum penalty. Further, if there are less than three complainants related to the violation the Department may reduce an additional \$2,000 (20%) from the maximum penalty. Further, if an air contaminant emitted is not a VOC, NO<sub>x</sub>, criteria pollutant, EHS, TXS, or [NESHAPS] **NESHAP** the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if the air contaminant emitted is less than 22.8 pounds in any one hour to the atmosphere the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if the air contaminant emitted into the atmosphere covers an area of less than ½ square mile, the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if there is no off-site property damage from the air contaminant the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Summing the total penalty reduction percentages results in a total reduction of 115%. However, an assessed penalty may not be reduced by more than 95% of the maximum penalty; therefore, the maximum reduction for the first offense penalty of \$10,000 would be \$9,500 resulting in an assessed penalty of \$500.00.

<sup>9</sup> VOC (N.J.A.C. 7:27-16)  
EHS (N.J.A.C. 7:31-1)  
NO<sub>x</sub> (N.J.A.C. 7:27-19)  
Criteria pollutant (N.J.A.C. 7:27-13)  
TXS (N.J.A.C. 7:27-17)  
[NESHAPS] **NESHAP** (40 CFR 61)

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	<b>Fourth and Each</b>			
<b>Citation</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Subsequent Offense</b>
N.J.A.C. 7:27-5.2(a), the emission of air contaminants in such quantities and duration as would unreasonably interfere with the enjoyment of life or property and which are not, or do not tend to be, injurious to health or welfare, animal or plant life or property				
Base Penalty per Violation	\$1,000 <sup>1</sup>	\$2,000 <sup>1</sup>	\$5,000 <sup>1</sup>	\$15,000 <sup>1</sup>
i. The base penalty may be reduced or increased by applying the following factors, as applicable. The civil administrative penalty for each violation is calculated by summing the base penalty and the increase or decrease from the base penalty for each of the applicable factors in i(1) through (4) below.				
(1) - (2) (No change.)				
(3) Nature of Air Contaminant <sup>2</sup>				
(A) VOC, NO <sub>x</sub> or other criteria pollutant:	15% increase to the base penalty			
(B) EHS, TXS or [NESHAPS] <u>NESHAP</u> :	20% increase to the base penalty			
(4) (No change.)				

<sup>1</sup> For instance, for the first offense, if the violator takes immediate remedial measures to mitigate the violation, the Department may reduce \$150.00 (15%) from the base penalty. Further, if the violator takes measures that can reasonably be expected to prevent a recurrence of the same type of violation, the Department may reduce an additional \$200.00 (20%) from the base penalty. Further, if there are less than three complainants related to the violation there is no increase to or reduction from the base penalty. Further, if an air contaminant emitted is not a VOC, AAQS, EHS, TXS, or [NESHAPS] NESHAP there is no increase to or reduction from the base penalty. Further, if this is the first violation of N.J.A.C. 7:27-5.2(a) for the facility within five years immediately preceding the date of the pending violation and the violator can demonstrate that it was in full compliance with the terms and conditions in all Department permits and certificates related to the pending violation and with all air pollution control permits and certificates, the Department may reduce an additional \$500.00 (50%) from the base penalty. Therefore, the minimum assessed penalty for the first offense under this section would be \$150.00. In this example, all of the reductions were taken to the fullest extent to result in the minimum penalty.

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<sup>2</sup> VOC (N.J.A.C. 7:27-16)  
 EHS (N.J.A.C. 7:31-1)  
 NO<sub>x</sub> (N.J.A.C. 7:27-19)  
 Criteria pollutant (N.J.A.C. 7:27-13)  
 TXS (N.J.A.C. 7:27-17)  
 [NESHAPS] **NESHAP** (40 CFR 61)

6. - 7. (No change.)

8. The violations of N.J.A.C. 7:27-8, Permits and Certificates, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(a) Obtain Preconstruction Permit Class: Estimated Potential Emission Rate of Source Operation 1. - 4. (No change.) 5. Regulated pursuant to NSPS, [NESHAPS] <b>NESHAP</b> , [PSDAQ] <b>PSD</b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.3(b) Obtain Certificate Class: Estimated Potential Emission Rate of Source Operation 1. - 4. (No change.) 5. Regulated pursuant to NSPS, [NESHAPS] <b>NESHAP</b> , [PSDAQ] <b>PSD</b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup>	\$2,000	\$4,000	\$10,000	\$30,000

...

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<b>Citation</b>	<b>Rule Summary</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth and Each Subsequent Offense</b>
N.J.A.C. 7:27-8.3(e) Class: Maximum Allowable Emissions ... For greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and [NOx] <b>NOx</b> or air contaminants regulated pursuant to HAP (Table <b>B</b> ) <sup>6</sup> :	Emissions Detected by Stack Tests from Source Operation				
1. - 3. (No change.)					

<b>Citation</b>	<b>Rule Summary</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth and Each Subsequent Offense</b>
N.J.A.C. 7:27-8.3(e) Class: Emissions from Source Operation 1. - 4. (No change.)	Preconstruction Permit and Certificate Conditions and Provisions				
5. Regulated pursuant to NSPS, [NESHAPS] <b>NESHAP</b> , [PSDAQ] <b>PSD</b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup>		\$3,000	\$6,000	\$15,000	\$45,000

...

<sup>4-5</sup> (No change.)
<sup>6</sup> NSPS (40 CFR 60) [NESHAPS] <b>NESHAP</b> (40 CFR 61) [PSDAQ] <b>PSD</b> (40 CFR 51) EOR (N.J.A.C. 7:27-18) TXS (N.J.A.C. 7:27-17) HAP (N.J.A.C. 7:27-8, Appendix1, Table B)

9. - 20.

(No change.)



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21. The violations of N.J.A.C. 7:27-21, Emission Statements, and the civil administrative penalty amounts for each violation are as set forth in the following table:

<b>Citation</b>	<b>Class</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth and Each Subsequent Offense</b>
N.J.A.C. 7:27-[21.4(a)] <b><u>21.3(a)</u></b>	Failure to Submit	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-21.5(a)	Failure to Certify	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27- [21.5(b)-(k)] <b><u>21.5(a)-(i)</u></b>	Omission of Required Information	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-[21.6(a)] <b><u>21.7(a)</u></b>	Failure to Keep Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-[21.6(b)] <b><u>21.7(b)</u></b>	<b><u>Failure to Make Records</u></b> Readily Available	\$500	\$1,000	\$2,500	\$7,500
<b><u>N.J.A.C. 7:27-21.7(c)</u></b>	<b><u>Failure to Timely Submit Copy of Records</u></b>	<b><u>\$500</u></b>	<b><u>\$1,000</u></b>	<b><u>\$2,500</u></b>	<b><u>\$7,500</u></b>
N.J.A.C. 7:27-[21.9(a)] <b><u>21.3(c) and 21.10(f)</u></b>	Failure to [Submit Notification] <b><u>Obtain Department Approval of Claim</u></b> of Non-applicability <b><u>Prior to Discontinuing Submittal</u></b>	\$100	\$200	\$500	\$1,500

22. The violations of N.J.A.C. 7:27-22, Operating Permits, and the civil administrative penalty amounts for each violation, per source operation, are set forth in the following tables:

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<b>Citation</b>	<b>Rule Summary</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth and Each Subsequent Offense</b>
N.J.A.C. 7:27-22.3(a) Class: Estimated Potential Emission of Source Operation 1. - 4. (No change.)	Obtain and Maintain Operating Permit				
5. Regulated pursuant to NSPS, [NESHAPS] <b><u>NESHAP</u></b> , [PSDAQ] <b><u>PSD</u></b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup> NES		\$2,000	\$4,000	\$10,000	\$30,000

  

<b>Citation</b>	<b>Rule Summary</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth and Each Subsequent Offense</b>
N.J.A.C. 7:27-22.3(b) Class: Estimated Potential Emission of Source Operation 1. - 4. (No change.)	Obtain Operating Permit Before Operation				
5. Regulated pursuant to NSPS, [NESHAPS] <b><u>NESHAP</u></b> , [PSDAQ] <b><u>PSD</u></b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup>		\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(c)	Emissions Not Detected by Continuous Monitoring System or Stack Test				
N.J.A.C. 7:27-22.3(d)	Proper Operation				
N.J.A.C. 7:27-22.3(e)	Other Conditions				
Class: Emission of Source Operation 1. - 4. (No change.) 5. Regulated pursuant to NSPS, [NESHAPS] <u>NESHAP</u> , [PSDAQ] <u>PSD</u> , EOR, TXS and HAP (Table <u>B</u> ) <sup>6</sup>		\$3,000	\$6,000	\$15,000	\$45,000

  

Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(e)	Emissions Detected by Stack Test				
Class: Maximum Allowable Emission of Source Operation ... Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO <sub>x</sub> , or air contaminants regulated pursuant to HAP (Table <u>B</u> ): 1. - 3. (No change.)					

...

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Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.14(d)	General Operating Permit Terms and Conditions				
Class: Estimated Potential Emission Rate of Source Operation					
1. - 4. (No change.)					
	5. Regulated pursuant to NSPS, [NESHAPS] <b>NESHAP</b> , [PSDAQ] <b>PSD</b> , EOR, TXS and HAP (Table <b>B</b> )	\$3,000	\$6,000	\$15,000	\$45,000

Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.15(b)1	Temporary Facility Operating Permit Requirements				
Class: Emission of Source Operation					
1. - 4. (No change.)					
	5. Regulated pursuant to NSPS, [NESHAPS] <b>NESHAP</b> , [PSDAQ] <b>PSD</b> , EOR, TXS and HAP (Table <b>B</b> ) <sup>6</sup>	\$3,000	\$6,000	\$15,000	\$45,000

...

<sup>4</sup> (No change.)

<sup>5</sup> (Reserved)

<sup>6</sup> NSPS (40 CFR 60)  
[NESHAPS] **NESHAP** (40 CFR 61)  
[PSDAQ] **PSD** (40 CFR 51)  
EOR (N.J.A.C. 7:27-18)  
TXS (N.J.A.C. 7:27-17)  
HAP Table **B** (N.J.A.C. 7:27-22, Appendix 1, Table B)

<sup>7-9</sup> [Reserved.]

<sup>10</sup> (No change.)

23. - 31. (No change.)

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- (n) The Department shall determine the amount of civil administrative penalty for violations of N.J.A.C. 7:27-8 and 7:27-22 as follows: for violations detected by continuous monitoring systems in accordance with (n)1 below; for continuous monitoring systems not installed, out of service or out of control in accordance with (n)2 below; and for violations of continuous monitoring systems recordkeeping and reporting requirements in accordance with (n)3 below. The rule summaries for the requirements set forth in the Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

1. (No change.)

## **CONTINUOUS MONITORING SYSTEMS <sup>7</sup>**

### **TABLE 1**

(No change.)

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## CONTINUOUS MONITORING SYSTEMS

**TABLE 2A**  
**MAJOR SOURCE**  
**OPERATION**<sup>3</sup>

<b>LEVEL</b>	<b>BASE PENALTY</b>
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(No change.)

**TABLE 2B**  
**MINOR SOURCE**  
**OPERATION**<sup>4</sup>

<b>LEVEL</b>	<b>BASE PENALTY</b>
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(No change.)

**TABLE 3**  
**AVERAGING    MULTIPLIER**  
**TIME OR**  
**DURATION**

(No change.)

<sup>3</sup> Any source operation with estimated potential emissions without control of greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO<sub>x</sub> or air contaminants regulated pursuant to NSPS, [NESHAPS] **NESHAP**, [PSDAQ] **PSD**, EOR, TXS and HAP (Table [C] **B**) based on Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:27-22.

<sup>4</sup> (No change.)

2. (No change.)

3. The violations of N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(e) for continuous monitoring systems recordkeeping and reporting requirements and the civil administrative penalty amounts for each violation are set forth in the following Table:

Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
		(No change.)			

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<sup>3</sup> Any source operation with estimated potential emissions without controls of greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO<sub>x</sub> , or air contaminants regulated pursuant to NSPS, [NESHAPS] **NESHAP**, [PSDAQ] **PSD**, EOR, TXS and HAP (Table [C] **B**) based on Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:22.

<sup>4 - 7</sup> (No change.)

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(o) - (p) (No change.)